CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 16, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Pastor Miguel Hidalgo of the Iglesia de Dios del Cuerpo de Cristo gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Mariscal led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Police Chief Macagni, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Utilities Chisam, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Public Works/City Engineer Sweet, and City Clerk Rodriguez.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK
Councilmember Trujillo read a proclamation declaring May 21 through 27, 2006, as "National Public Works Week" in the City of Santa Maria and urging citizens and civic organizations to acquaint themselves with the issues involved in providing public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life. The proclamation was accepted by Doug Pike, American Public Works Association Chapter Vice President.

VOLUNTEERS OF THE MONTH
Councilmember Patino presented a gift to the Recreation and Parks Volunteers of the Month for May 2006, Captain Justine Adams and Captain Johnny Galbert for their dedication of time and effort as Co-Chairs of this year's Vandenberg Air Force Base Area Special Olympics Games Committee and for their continued support of Special Olympics.

PROCLAMATION – TEAM BICYCLE CHALLENGE MONTH
Councilmember Orach read a proclamation declaring the month of June 2006, as "Team Bicycle Challenge Month" in the City of Santa Maria and encouraging individuals to form bicycle challenge teams to compete to replace automobile trips with bicycle trips. Ken Epperson, SBCAG, accepted the proclamation.

PRESENTATION TO MICHAEL B. CLAYTON
Presentation by Col. Jack B. Jones, 75th Commander in Chief of the Military Order of the World Wars, to Michael B. Clayton commending him for his unselfish acts of Patriotism for hosting an annual Veterans' Day barbecue for all members of the Armed Forces, both active and retired, and their families, since 2001.

Col. Jones presented Mr. Clayton with a Silver Patrick Henry award for patriotic achievement. The award is presented to a person who depicts outstanding patriotism in his/her endeavors.

Councilmember Mariscal read a proclamation declaring Tuesday, May 16, 2006, as "Michael B. Clayton Day" in the City of Santa Maria and presented the proclamation to Michael Clayton.

PUBLIC COMMENT
Bob Ziener spoke in favor of the proposed County split.

Steve Lutz spoke regarding a telephone conversation with the Mayor several weeks ago and asked what he should do next since he hadn't heard back from anyone regarding his concern. Mayor Lavagnino indicated he would call him the next day.

Pedro Cortex requested that citations regarding Code Compliance issues be prepared in Spanish. He indicated his parents had received several letters that were in English and his parents only spoke Spanish. City Attorney Trujillo explained that all letters were sent in English; however, the Department had Spanish speaking employees who could answer questions. He said it would be too cumbersome to translate each and every letter when they did not know what the native language of the recipient might be.

CONSENT CALENDAR
Councilmember Trujillo requested Items 3O and 3P be pulled for discussion. Councilmember Orach requested Items 3L and 3O be pulled for discussion. Councilmember Patino also requested that 3O be pulled for discussion.

Item 3L – Award of Bid for the South Miller Street and East Cook Street Improvement Project.
Councilmember Orach stated this is Public Works Week and this is a public works project to improve the appearance of the downtown area.

Mayor Lavagnino asked if all the trees were to be removed or if only the trees damaging the street and sidewalk areas would be removed. Director of Recreation and Parks replied that only those trees causing major damage would be removed.

3O – Agreement with Rotary Centennial Park Foundation
Councilmember Trujillo stated this was a good example of where Rotarians have gotten together and come up with a very good plan for this park. All the service clubs in the City contribute to the community.

Councilmember Orach invited the public to attend the dedication ceremony on Friday, May 19th at noon.

Councilmember Patino stated the Tommy Kuntz Junior High School band would be playing at the dedication ceremony. She asked how much money Rotary had contributed to this park so far. Fire Chief Ortiz replied it was approximately $400,000 so far.

Councilmember Mariscal also invited people to attend the ceremony. Robin Ventura Field is currently under construction. The park looks very good. He commended the Recreation and Parks Department for taking down the wall and opening up the park.

3P – Agreement for Mining and Marketing of Santa Maria River Soil and Performing Concrete and Asphalt Recycling Operation.
Councilmember Trujillo commended the Utilities Department for everything it does to increase recycling efforts.

Consent Calendar Items A through P were approved with the indicated action on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of May 2, 2006, were approved as submitted.

C. WARRANTS
Warrant Nos. 127038 to 127263 in the amount of $1,553,463.31 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 127135 was cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. FINAL ALLOCATIONS
Resolution No. 2006-64 was adopted approving the final allocations and activities for use of federal funds under the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Program.

Resolution No. 2006-64 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA APPROVING THE FINAL ALLOCATIONS AND ACTIVITIES FOR USE OF FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FOR FISCAL YEAR 2006-07 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

F. ENTERTAINMENT LICENSE
Resolution No. 2006-65 was adopted denying an Entertainment License for Las Brasas Mexican Food at 315 W. Main Street to allow live music and disc jockey services on Friday and Saturday nights from 9:30 p.m. to 1:30 a.m.

Resolution No. 2006-65 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA DENYING AN ENTERTAINMENT LICENSE FOR LAS BRASAS MEXICAN FOOD, 315 WEST MAIN STREET.

G. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (Person to Person Transfer) for L & K Liquors at 510 N. Broadway was noted and filed.

H. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing warehouse for Nipomo Wine Group, located at 2717 Aviation Way, E-28 was noted and filed.

I. ORDINANCE NO. 2006-09
Second reading was conducted by title only of Ordinance No. 2006-09, amending Chapters 2 and 35 of Title 12 of the Santa Maria Municipal Code related to community event barbecues, and the ordinance was adopted.

Ordinance No. 2006-09 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 12 CHAPTERS 2 AND 35 OF THE SANTA MARIA MUNICIPAL CODE RELATING TO COMMUNITY EVENT BARBEQUES (Z-2005-003)

J. NOTICE OF CONTRACT COMPLETION
Council approved a Notice of Contract Completion for Landfill Scale House, Bid No. 2005/09.

K. AWARD OF BID
Resolution No. 2006-66 was adopted awarding the bid and approving an agreement with R. Baker, Inc., for Bid No. 2006/02, Williams Street Storm Drain and Street Improvement Project – McClelland Street to School Street in the amount of $761,202.85.

Resolution No. 2006-66 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH R. BAKER INC. FOR WILLIAMS STREET STORM DRAIN AND STREET IMPROVEMENTS PROJECT – McCLELLAND STREET TO SCHOOL STREET, BID NO. 2006-02.

L. AWARD OF BID
Resolution No. 2006-67 was adopted awarding the bid and approving an agreement with Elevation General Engineering Contractors, Inc., for Bid No. 2006/10, South Miller Street and East Cook Street Improvements Project in the amount of $1,129,596.40.

Resolution No. 2006-67 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH ELEVATION GENERAL ENGINEERING CONTRACTORS, INC. FOR SOUTH MILLER STREET AND EAST COOK STREET IMPROVEMENTS PROJECT, BID NO. 2006/10.

M. NO STOPPING ZONES
Resolution No. 2006-68 was adopted establishing five no stopping zones along Santa Barbara Drive near San Miguel Street and Capistrano Lane.

Resolution No. 2006-68 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON SANTA BARBARA DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

N. LANDSCAPE MAINTENANCE DISTRICTS
Resolution No. 2006-69 was adopted approving Engineer's Reports for the City's four Landscape Maintenance Districts and Special Benefit Zones and Resolution No. 2006-70 was adopted stating the Council's intent to levy and collect assessments and setting a date for a public hearing to be held on July 18, 2006.

Resolution No. 2006-69 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR ASSESSMENT PROCEEDINGS.

Resolution No. 2006-70 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON FOR THE FOUR LANDSCAPE MAINTENANCE DISTRICTS AND THE FIFTEEN SPECIAL BENEFIT ZONES.

O. ROTARY CENTENNIAL PARK AGREEMENT
Resolution No. 2006-71 was adopted approving an agreement between the City and Rotary Centennial Park Foundation to establish the rights and duties with respect to Rotary Centennial Park.

Resolution No. 2006-71 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREMEENT BETWEEN THE CITY OF SANTA MARIA AND THE ROTARY CENTENNIAL PARK FOUNDATION.

P. UNION ASPHALT AGREEMENT
Resolution No. 2006-72 was adopted approving a revised agreement for Mining and Marketing of Santa Maria River Soil and Performing Concrete and Asphalt Recycling Operation with Union Asphalt, Inc.

Resolution No. 2006-72 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A REVISED AGREEMENT FOR MINING AND MARKETING OF SANTA MARIA RIVER SOIL AND PERFORMING CONCRETE AND ASPHALT RECYCLING OPERATION.

PRESENTATION BY SBCAG

Jim Kemp, Executive Director of the Santa Barbara County Association of Governments, gave a presentation on the final Measure D Renewal Expenditure Plan which will be placed on the November 2006 ballot to reauthorize the local transportation sales tax program measure. He indicated that over the last few months they had been going to all the various stakeholders and giving presentations and collecting input. They tried to incorporate the input they received into a revised plan which will be on the ballot to renew Measure D. Most people agreed that Measure D is a good thing for the County and accomplished a lot of good things. The input also highlighted the importance of a plan that provided an appropriate balance, equity, flexibility, and accountability in order for it to be passed by the voters. The plan has been changed. The plan responds to the challenges that the City Council gave SBCAG. The revised plan was adopted unanimously by the SBCAG Board of Directors. He highlighted the major components of the plan including: 1) it extends the current half cent sales tax for an additional 30 years and increases the tax rate by a quarter percent; 2) it combines what was formerly known as the A + B plan into a single measure; 3) it will generate $1.6 billion for transportation; 4) there is a local program with 50% of the funds going to local agencies for projects chosen by the local agency; 5) the regional program provides for highway improvement projects; and 6) there are also a number of alternative transportation, transit and shared County-wide funding programs. He requested the Council support the Measure D Expenditure Plan.

Councilmember Trujillo asked Mr. Kemp to explain to the public how this tax measure would work.

Mr. Kemp stated these would be local sales tax dollars. They would be monies collected locally through sales taxes, and they would be controlled by the SBCAG Board and could only be used for projects that benefit the residents of Santa Barbara County. The money allocated to the City of Santa Maria would be controlled by the City Council. The money would be collected in the County and would stay in the County.

Councilmember Mariscal asked about the catch-up provision for the Department of Finance population figures. He explained that provision was instituted several years ago and he wanted to make sure it continued.

Mr. Kemp stated the policy that the SBCAG Board adopted that allows adjustments to the allocations to reflect the most currently released Department of Finance population figures would continue to be used.

Councilmember Mariscal asked if the SBCAG staff had looked at the State infrastructure bonds to see if self-help counties would be more beneficially rewarded.

Mr. Kemp stated there were several measures that would be on the ballot in November at the same time the Measure D Renewal would be on the ballot. Of the $37 billion, almost $20 billion would be for transportation projects. There is at least one program called the State Local Program Partnership that is intended to serve as a match for counties that are self-help and have implemented their own local sales tax program. There are a number of other programs included in the Governor's infrastructure and transportation bond measure that will allow cities and counties to partner with the State, if they have local transportation dollars. Both Measure D and the Governor's bond measure are needed.

Councilmember Mariscal stated throughout the process for determining what should or shouldn't be in Measure D, there were two opposing camps. They were (1) the transit advocates who said there was not enough money being spent on alternative transportation to get people out of cars and using other things; and (2) the proponents who wanted the money to be used on roads and Highway 101 in the South that wasn't

built. This is a 30-year measure, and it is not known what the needs will be going out the next 30 years. That was why the SBCAG Board felt there needed to be an acceptable mix of projects that would address both issues. He said he appreciated the SBCAG Board recognizing the situation in Santa Maria relative to growth. It will be the area of the County that will sustain the growth and have continued growth. Because of that, Santa Maria's infrastructure needs needed to be more recognized than they were at the beginning of the process. Santa Maria will now get full funding for three major projects in the area. If Measure D passes, Santa Maria will be able to provide its residents with a wide range of transportation needs. The big hurdle is that this measure requires a 2/3's vote to pass. That is difficult to do. It is also increasing the tax from half a cent to three quarters of a cent. He recommended the Council support the Expenditure Plan and pass the resolution.

Councilmember Patino asked Mr. Kemp to define self-help counties and asked how many self-help counties there were in the State.

Mr. Kemp explained that self-help counties were those counties that have imposed local transportation sales taxes. There are currently about 17 self-help counties in the State. They represent most of the urbanized counties.

Councilmember Patino stated she didn't think the people understood how much it cost just to overlay the street in front of their homes. The people of Santa Maria will have to decide if they want this service and the infrastructure. They have had this tax for so many years and have enjoyed good streets and the new interchanges because of it. It is very important that this helps the County leverage so much more in State and Federal funds.

Resolution No. 2006-73 was adopted on motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-73 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ADOPTION OF MEASURE "D" RENEWAL EXPENDITURE PLAN.

WILLIAMS FEEDLOT

Director of Public Works/City Engineer Sweet gave the staff report. The City Council is asked to approve the Engineer's Report and adopt a Resolution of Intention to levy and collect the final year, 2006-07, landscape assessments for Assessment District No. 96-1, the Williams Feedlot Assessment District. This assessment district was formed in 1996 to fund the annual payments to the property owners of the Williams Feedlot which had operated at 2175 North Blosser Road since the 1960s. Due to complaints regarding dust, odor, and flies from the feedlot operation, the City purchased and cleaned up the feedlot and caused the feedlot to cease operations. Since the formation of the District, several property owners within the District boundaries have subdivided their properties, built residential dwellings, and sold the properties to private individuals. These properties have been annexed into the District. This initial assessment was $21.84. This last year's assessment is $17.16. Each year the City is required to hold a public hearing and approve a resolution that defines the intent of the District and approves the Engineer's Report. A public hearing on the proposed assessments will be scheduled for July 18, 2006.

Resolution No. 2006-74 was adopted on motion by councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-74 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT FOR ANNUAL ASSESSMENT PROCEEDINGS UNDER THE LANDSCAPING AND LIGHTING ACT OF 1972, FOR ASSESSMENT DISTRICT NO. 96-1, WILLIAMS FEEDLOT.

Resolution No. 2006-75 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-75 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON, FOR ASSESSMENT DISTRICT NO. 96-1, WILLIAMS FEEDLOT.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the next regular City Council meeting on June 6, 2006, including a General Plan Amendment and Zone Change for Sunrise Terrace, an update to the Commercial Vehicle Ordinance, a request by the All-America City Committee for Council support, and presentation of the 2006-08 budget and setting a public hearing for June 20th.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Trujillo reported that the California Veterans of American and the Lincoln's Club of Santa Maria will have a Memorial Day barbecue on May 29th at Pioneer Park to honor veterans and active duty personnel and families of soldiers who have been killed in Iraq. The Lincoln Club selects one individual who has done a lot for the community. Police Chief Macagni has been selected.

Councilmember Patino reported on the National Association of Counties meeting in Sacramento. They had a workshop on methamphetamines and what it does to families, particularly small children.

Councilmember Mariscal invited the public to the Police Memorial on Wednesday, May 17th. He attended the Economic Forecast and it was refreshing to hear what was happening in the Santa Maria Valley. He mentioned that this was a very busy time for most people and asked them to please slow down when driving. He mentioned the Rotary Breakfast Club's Barn Party. Last Friday was a fundraiser for the Boys and Girls Club which was a very fun event. This is the time of year when fundraisers are going on. He also commented on the Children's Discovery Museum who were selling 1,000 tickets at $100 each to win a brand new BMW.

Mayor Lavagnino reported on the Day of Prayer where the community came together in prayer. The Economic Forecast was very positive for the North County and the Santa Maria Valley.

CLOSED SESSION

Council recessed to Closed Session at 8:00 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria. Mayor Lavagnino announced that the Closed Session for Public Employee

Discipline/Dismissal/Release pursuant to Subsection (b) of Government Code Section 54957 was being removed from the agenda to be noticed for a future meeting.

After the Closed Session, the following was announced.

Conference with Legal Counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:09 p.m. by order of Mayor Lavagnino.

APPROVED

June 6, 2006
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST:
Chief Deputy City Clerk

Mayor of the City of Santa Maria